

AMENDED IN SENATE JUNE 24, 2002

AMENDED IN ASSEMBLY MAY 14, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2628**

**Introduced by Assembly Member Leach**

February 21, 2002

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An act to add Section 47604.4 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2628, as amended, Leach. Charter schools: oversight authority.

Existing law, the Charter Schools Act of 1992, authorizes the establishment of charter schools, as a part of the public school system, and authorizes the governing board of a school district, a county office of education, or, in the case of an appeal of the denial of a petition, the county office of education or the State Board of Education, to approve a charter for the operation of a charter school. The act requires a charter school to respond promptly to all reasonable inquiries, including, but not limited to, inquiries regarding its financial records, from its chartering authority or from the Superintendent of Public Instruction, and to consult with the chartering authority or the Superintendent of Public Instruction regarding those inquiries.

This bill would grant general authority to the county superintendent of schools to monitor the operations of a charter school located within that county and to conduct an investigation into the operations of that charter school, based on parental complaints or other information that justifies the investigation, ~~and would in the case of a charter school that~~

*received approval of its charter school petition from a school district or county office of education outside the county of operation. The bill would also prescribe related matters, including, but not limited to, the requirement that charter schools notify the county superintendent of schools in which they are located of its location. By establishing this additional requirement, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 47604.4 is added to the Education Code,  
2 to read:  
3 47604.4. (a) In addition to the authority granted by Section  
4 47604.3, the county superintendent of schools may, based upon  
5 written parental complaints or other information that justifies the  
6 investigations, monitor the operations of a charter school located  
7 within that county and conduct an investigation into the operations  
8 of that charter school.  
9 ~~(b) The authority granted by this section shall apply to all~~  
10 ~~charter schools located within the county, regardless of whether~~  
11 ~~the charter school petition for the operation of the charter school~~  
12 ~~that is the subject of the investigation was approved by the school~~  
13 ~~district or county office of education where the charter school is~~  
14 ~~located.~~ *If a county superintendent of schools monitors or*  
15 *investigates a charter school pursuant to this section, the county*  
16 *office of education shall not incur any liability beyond the*  
17 *investigation itself, and the entity responsible for the issues that led*



1 *to the investigation shall be either the entity that granted the*  
2 *charter or the State Board of Education, as applicable.*

3 *(b) The authority granted by this section shall apply only in the*  
4 *case of a charter school that operates within the county, but*  
5 *received approval of its charter school petition from a school*  
6 *district or county office of education outside the county of*  
7 *operation.*

8 *(c) Within 185 days after establishment of a charter school or*  
9 *any of its satellites, the charter school shall notify the county*  
10 *superintendent of schools of the county in which it is located of the*  
11 *location of the charter school and its satellites.*

12 SEC. 2. Notwithstanding Section 17610 of the Government  
13 Code, if the Commission on State Mandates determines that this  
14 act contains costs mandated by the state, reimbursement to local  
15 agencies and school districts for those costs shall be made pursuant  
16 to Part 7 (commencing with Section 17500) of Division 4 of Title  
17 2 of the Government Code. If the statewide cost of the claim for  
18 reimbursement does not exceed one million dollars (\$1,000,000),  
19 reimbursement shall be made from the State Mandates Claims  
20 Fund.

